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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

NOV 24 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.622(b),  
Table of Allotments,  
Digital Television Broadcast Stations.  
(Elmira, New York)

MB Docket No. 03-210  
RM-10791

To: The Secretary  
Attn: The Chief, Video Division, Media Bureau

**COMMENTS OF**  
**SMITH TELEVISION OF NEW YORK LICENSE HOLDINGS, INC.**

Smith Television of New York License Holdings, Inc. ("Smith TV"), licensee of WETM-TV, Elmira, New York and permittee of the paired DTV facility WETM-DT (Facility ID No. 60653) (the "Station"),<sup>1/</sup> by its attorneys and pursuant to Sections 1.415 and 1.420 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.420, hereby respectfully submits these comments in response to the Notice of Proposed Rule Making released by the Commission on October 1, 2003 in the above-captioned proceeding ("Notice") The Notice seeks comment on Smith Television's request, as set forth in its Petition for Rule Making, filed July 29, 2003 (the "Petition"), requesting that the Commission amend Section 73.622(b) of the Commission's rules,

WETM-DT is currently operating with facilities specified in File No. BDSTA-20030527AJX.

100-100-014

47 C.F.R. § 73.622(b) (the DTV Table of Allotments), by substituting Channel 33 as the Station's paired DTV allocation *in lieu* of Channel 2, as originally allotted.

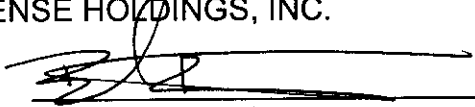
Smith TV hereby reaffirms the justification for the proposed DTV allotment change advanced in detail in the Petition, which is incorporated herein by reference, and confirms its continuing desire and intent to construct and operate WETM-DT on Channel 33, as proposed. Upon the Commission's adoption of changes in the DTV Table of Allotments as described in the Notice, Smith TV will timely file an application specifying the operation of WETM-DT on Channel 33 with the parameters proposed in the Petition and in accordance with applicable Commission rules and policies governing construction and commencement of operation.

Accordingly, and in light of the foregoing, Smith TV respectfully requests that the Commission promptly adopt the changes proposed in the Notice and amend Section 73.622 (b) of the Commission's rules to substitute Channel 33 for Channel 2 for use by WETM-DT at the specified reference point in Elmira, New York.

Respectfully submitted,

SMITH TELEVISION OF NEW YORK  
LICENSE HOLDINGS, INC.

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Dated: November 24, 2003